

ELECTRONICALLY FILED
MAY 31. 2007

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY, Debtor.)	BK-S-06-10725-LBR Chapter 11
In re: USA CAPITAL REALTY ADVISORS, LLC, Debtor.)	BK-S-06-10726-LBR Chapter 11
In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, Debtor.)	BK-S-06-10727-LBR Chapter 11
In re: USA CAPITAL FIRST TRUST DEED FUND, LLC, Debtor.)	BK-S-06-10728-LBR Chapter 11
In re: USA SECURITIES, LLC, Debtor.)	BK-S-06-10729-LBR Chapter 11

Affects

- ☐ All Debtors
☐ USA Commercial Mortgage Co.
☒ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed
☒ USA First Trust Deed Fund, LLC

**NOTICE OF ENTRY OF ORDER APPROVING STIPULATION FOR WITHDRAWAL
OF PROOFS OF CLAIM NUMBERS 123, 124 AND 125 FILED RESPECTIVELY BY
KANTOR NEPHROLOGY CONSULTANTS, LTD 401(K) PSP; DR. GARY KANTOR;
AND LYNN M. KANTOR (AFFECTS DEBTORS USA CAPITAL FIRST TRUST DEED
FUND, LLC)**

PLEASE TAKE NOTICE THAT an Order Approving Stipulation for Withdrawal of
Proofs of Claim Numbers 123, 124 and 125 Filed Respectively by Kantor Nephrology

1 Consultants, Ltd. 401(k) Psp; Dr. Gary Kantor; and Lynn M. Kantor (Affects Debtors USA
2 Capital First Trust Deed Fund, LLC) was entered on the 31st day May, 2007, a true and correct
3 copy of which is attached hereto.

4 DATED this 31st day of May, 2007.

5 SHEA & CARLYON, LTD.

6 

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Entered on Docket
May 31, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

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In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

) BK-S-06-10725-LBR
) Chapter 11

In re:
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Debtor.

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) Chapter 11

In re:
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) BK-S-06-10727-LBR
) Chapter 11

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

) BK-S-06-10728-LBR
) Chapter 11

In re:
USA SECURITIES, LLC,
Debtor.

) BK-S-06-10729-LBR
) Chapter 11

Affects

- ☐ All Debtors
☐ USA Commercial Mortgage Co.
☒ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed
☒ USA First Trust Deed Fund, LLC

**ORDER APPROVING STIPULATION FOR WITHDRAWAL OF PROOFS OF CLAIM
NUMBERS 123, 124 AND 125 FILED RESPECTIVELY BY KANTOR NEPHROLOGY
CONSULTANTS, LTD 401(K) PSP; DR. GARY KANTOR; AND LYNN M. KANTOR
(AFFECTS DEBTORS USA CAPITAL FIRST TRUST DEED FUND, LLC)**

The Court having considered the "Stipulation For Withdrawal Of Proofs Of Claim Numbers 123, 124 And 125 Filed Respectively By Kantor Nephrology Consultants, Ltd 401(K) PSP; Dr. Gary Kantor; And Lynn M. Kantor" (the "Stipulation") entered into by and between, the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC ("FTDF Committee"), on the one hand, by and through its undersigned counsel, and Kantor Nephrology Consultants, Ltd 401(K) PSP; Dr. Gary Kantor; And Lynn M. Kantor, on the other hand, by and through their undersigned counsel and good cause appearing therefore:

IT IS HEREBY ORDERED THAT the Stipulation is approved.

IT IS FURTHER ORDERED THAT the Kantor FTDF Claims,¹ and only the Kantor FTDF Claims, are hereby withdrawn from the FTDF bankruptcy case. Claimants' withdrawal of the Kantor FTDF Claims shall in no way impact upon or prejudice any of the Additional Kantor Claims filed against any of the Non-FTDF Debtors in their respective bankruptcy cases or the Kantor DTDF Interests or the Lynn Kantor IRA FTDF Interest, all of which claims and interests are specifically preserved.

IT IS FURTHER ORDERED THAT based on the covenant provided in Paragraph 1 of the Stipulation, the Claimants shall not seek to re-file the Kantor FTDF Claims, or any claims based on the same facts and circumstances as the Kantor FTDF Claims, in the FTDF bankruptcy case and any such claims that are filed shall be deemed disallowed by this Order.

IT IS FURTHER ORDERED THAT the Stipulation shall not alter, affect or prejudice the Claimants' claims against other debtors in this jointly-administered proceeding.

IT IS FURTHER ORDERED THAT the deadlines to amend the Kantor FTDF Claims (May 29, 2007), and to file the Supplemental Pleadings (June 6, 2007 and June 13, 2007) are hereby vacated.

¹Defined terms used and not defined herein have the meanings set forth in the Stipulation.

1 IT IS FURTHER ORDERED THAT the hearing on the Kantor FTDF Claims
2 Objections and the Supplemental Pleadings set for June 15, 2007 at 9:30 a.m. is hereby vacated.

3 IT IS FURTHER ORDERED THAT the Reserve Motion and the Interim Reserve
4 Stipulation are now moot

5 IT IS FURTHER ORDERED THAT the hearing on the Reserve Motion and the
6 Interim Reserve Stipulation set for June 15, 2007 at 9:30 a.m. is hereby vacated.

7
8 **SUBMITTED BY:**

9 STUTMAN, TREISTER & GLATT, P.C.

10
11 /s/ Eve H. Karasik
12 EVE H. KARASIK
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22 *Counsel for the Official Committee of Equity*
23 *Security Holders of USA Capital First Trust*
24 *Deed, Fund, LLC*

25 **APPROVED/DISAPPROVED**

26 McGUIREWOODS LLP

27 /s/ Michael M. Schmahl
28 MICHAEL M. SCHMAHL
77 West Wacker Drive, Suite 4100
Chicago, IL 60601-1818

Counsel for the Kantor Claimants

APPROVED/DISAPPROVED

RAY QUINNEY & NEBEKER P.C.

/s/ Steven C. Strong
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and

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Counsel for USA Capital First Trust
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REVIEWED

OFFICE OF THE UNITED STATES
TRUSTEE

/s/ August B. Landis
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300 Las Vegas Blvd. S., #4300
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Counsel for the Office of the United States
Trustee

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